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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/814,156   | 04/01/2004  | Keith L. Knisley     | 22349.00            | 7368             |
| 37833  | 7590        | 03/13/2006           | EXAMINER            |                  |
| LITMAN LAW OFFICES, LTD<br>PO BOX 15035<br>CRYSTAL CITY STATION<br>ARLINGTON, VA 22215 |             |                      | MICHALSKI, SEAN M   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3725                |                  |

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/814,156

Applicant(s)

KNISLEY ET AL.

Examiner

Sean M. Michalski

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second cutting edge must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Two consecutive claims are numbered three (3). The second three is assumed to be erroneous.

Misnumbered claims 3-19 have been renumbered 4-20.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

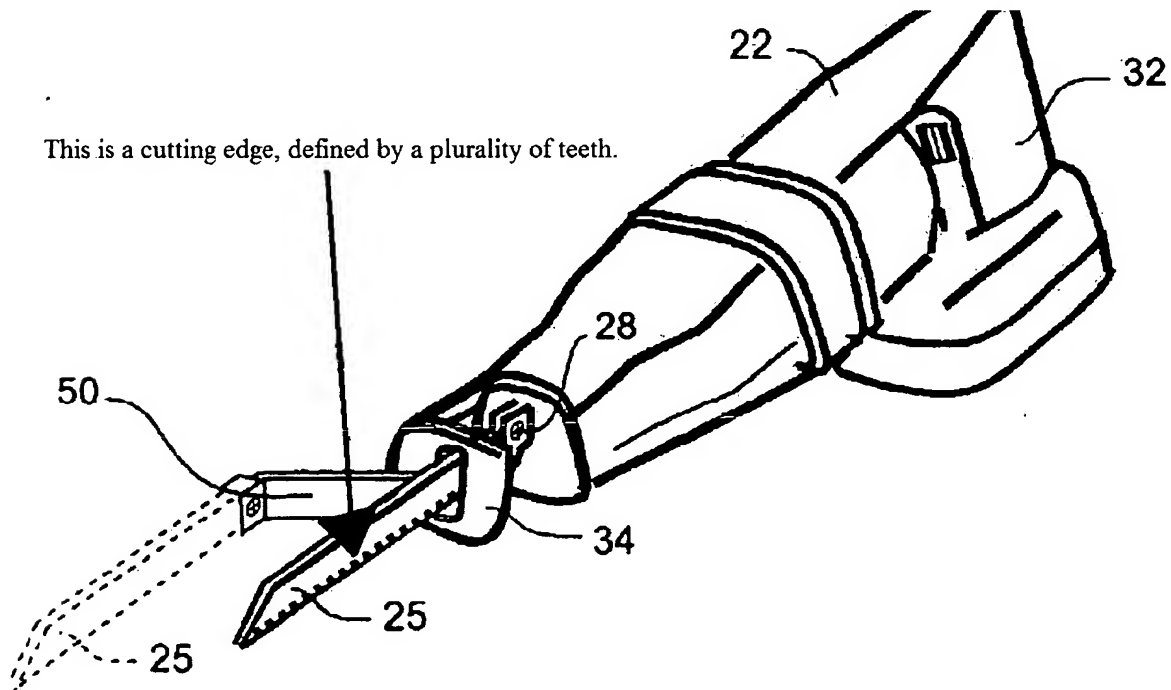
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1, 3-5, 7-11, 13-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reale in view of Sweeney et al (USPN 2,954,808).

Reale discloses a saw blade (50 figure 1) with a flat elongated mounting arm (62 figure 2) having a saw mounting end (the portion of 62 by 28 figure 2) adapted for attachment to a reciprocating saw (seen in figures 1 and 2) and having a second end (the end of 62 not connected to 28, figure 2). Reale further discloses a flat elongated connector arm (64 figure 2) with a first end attached to the second end of the mounting arm (seen in figure 2). Reale further discloses a flat elongated cutting blade having a first end (66 figure 2) connected to the second end of said connector arm (the end of 64 which connects to 66) and a second end (25 figure 2). The cutting blade further comprises a first cutting edge (see picture below) having a plurality of teeth (again refer to picture below).



Reale further discloses that said cutting blade and mounting arm are parallel (they are shown to be parallel in figure 2). Reale further discloses that the cutting blade

can be placed flush against one surface of a 90 degree corner in order to cut around the corner (making a flush cut is described column 3 lines 35-50), the cutting arm being offset from the mounting arm by a distance substantially equal to the length of the connector arm (the distance D in figure 2 is substantially equal to the length of 64).

Reale does not disclose that the angles between connector arm and blade, or connector arm and mounting arm are at 90 degrees.

Sweeney teaches the use of 90-degree angles as the angles between mounting arm (15 figure 4) and connecting arm (20 figure 4) and connecting arm (20 figure 4) and cutting blade (14 figure 4). In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Reale by making the angles 90 degrees as taught by Sweeney, since both angles can be used to make flush cuts around 90 degree angles as stated in the specification.

Regarding claims 3, 4, 5, 7 and 8, Reale further discloses a gusset plate as a first stabilizer (102 figure 3), being attached to said mounting arm (62 figure 3) and said connector arm (64 figure 2), and a gusset plate as a second stabilizer (102 figure 3) connected to said connector arm (64 figure 2), and cutting plate (66 figure 2).

Regarding claim 9 Reale as discussed above discloses that said first stabilizer is a gusset plate.

Regarding claims 11, 13-15 and 17-19, the only limitation not treated above is that said saw blade is in combination with a reciprocating saw. Reale further discloses that said saw blade be in combination with a reciprocating saw (20 figures 1 and 2).

Regarding claims 10 and 20, the only limitation not met by Reale in view of Sweeney is that said gusset plates are transversely centrally aligned within said connector plate. It would have been an obvious matter of design efficiency to transversely centrally align the gusset plates, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Regarding applicant's specification on page 10 lines 4-7, there is no criticality to the determination that said gusset plates be centrally transversely aligned. Furthermore, the strengthening effect of the gusset plate is the same whether the plates are centrally aligned or aligned with the top and bottom as disclosed in Reale, since both configurations can be used to make flush cuts around 90 degree angles as stated in the specification.

6. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reale et al. in view of Sweeney et al. as applied to claims 1 and 11 above, and further in view of Atkinson et al. (USPN 3,033,251).

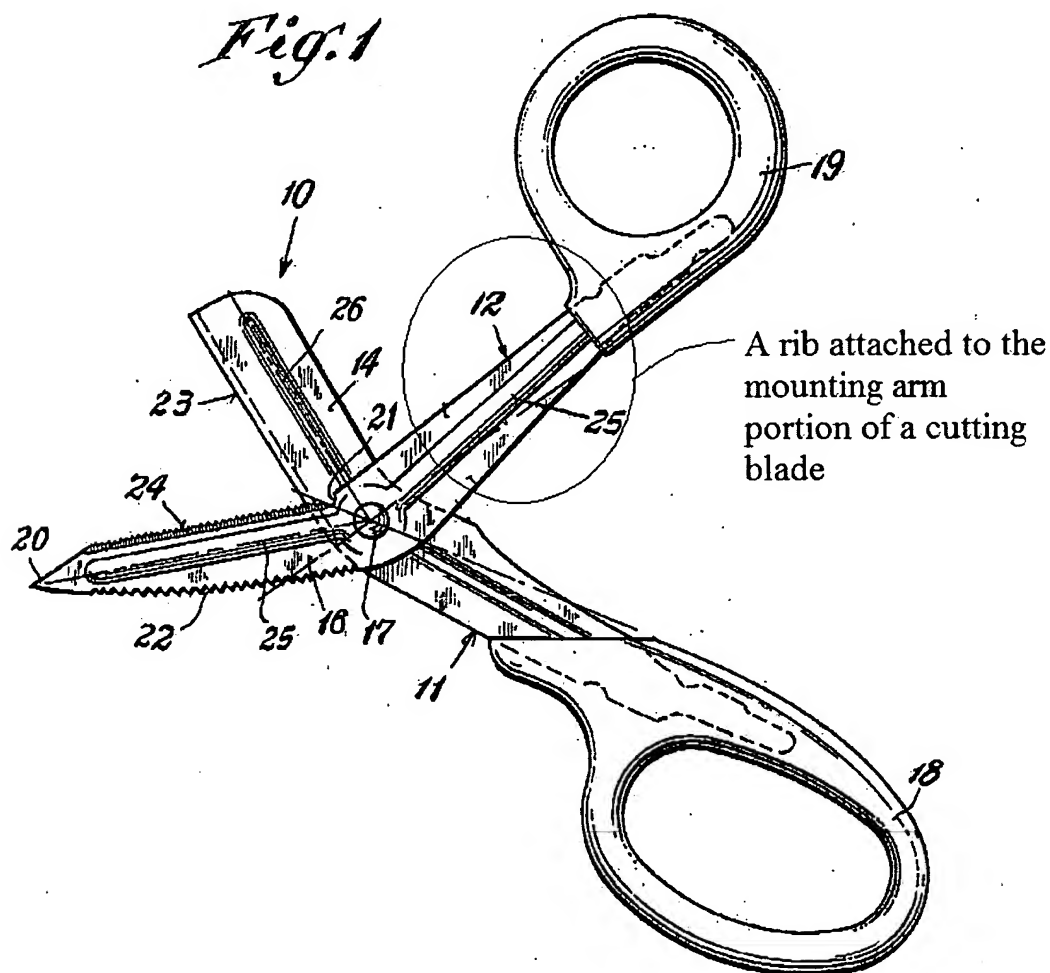
Reale et al. in view of Sweeney et al. as applied to claims 1 and 11 above disclose all the detailed of the present invention except that said cutting blade include a second cutting edge.

Atkinson et al. teaches the use of a cutting blade (12 figure 1) with two cutting edges (13 and 14 figure 1) each defined by a plurality of teeth (14 figure 1). In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Reale et al. in view of Sweeney et al. by using a two edged blade as taught

7. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reale et al. in view of Sweeney et al. as applied to claims 1, 3-5, 7-11, 13-15, and 17-20 above, and further in view of Visco (USPN 3,987,542).

Reale et al. in view of Sweeney et al. teaches all the aspects of the claimed invention except for the limitation that there be a reinforcing rib attached to a side of said cutting blade opposite to said gusset plate.

Visco teaches the use of a reinforcing rib (25 and 26 figure 1, as indicated below)



located on the mounting arm section of a cutting blade for the purpose of adding



strength (column 2, lines 44-45). In the same problem solving area it would have been obvious to one skilled in the art at the time of the invention to modify Reale et al. in view of Sweeney et al. by providing the cutting blade with a reinforcing rib as taught by Visco. The motivation to combine is that the rib would provide additional strength. Adding a rib for the stated motivation of providing additional strength requires only routine skill in the art.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zern; Magri; Izzi, Sr; and Happe.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean M. Michalski whose telephone number is 571-272-6752. The examiner can normally be reached on M-F 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smm

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**DERRIS H. BANKS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**